In the Claims:

Please amend claims 1, 4, 7, and 31 as follows (the changes in these claims are shown with strikethrough for deleted matter and <u>underlines</u> for added matter). A complete listing of the claims proper claim identifiers is set forth below.

- 1. (Currently Amended) A gene therapy vector, comprising:
- a first polynucleotide encoding a gene for $\underline{B}\beta$ subunit of a cytolethal distending toxin; and
- a second polynucleotide encoding an antisense oligonuoleotide that inhibits expression of a sense oligonucleotide encoding a DNA repair protein;

wherein the first and second polynucleotides are operably linked to an inducible promoter.

- 2. (Original) The gene therapy vector of claim 1, wherein the inducible promoter is a heat shock promoter.
- 3. (Original) The gene therapy vector of claim 1, wherein the inducible promoter is a segment of a heat shock promoter that is strictly inducible by heat shock.
- 4. (Currently Amended) The gene therapy vector of claim 3, wherein the inducible promoter has a nucleotide sequence of SEQ ID 7.
- 5. (Original) The gene therapy vector of claim 1, wherein the gene is selected from the group consisting of *H. ducreyi* cdtB, *C. jejuni* cdtB, and *E. coli* cdtB.

- 6. (Original) The gene therapy vector of claim 1, wherein the gene is *E. coli* cdtB.
- 7. (Currently Amended) The gene therapy vector of claim 6, wherein the gene has a nucleotide sequence of SEQ ID 5.
- 8. (Original) The gene therapy vector of claim 1, wherein the second polynucleotide encodes an antisense oligonucleotide that inhibits expression of a sense oligonucleotide encoding a protein involved in the non-homologous end-joining DNA repair mechanism.
 - 9. (Original) The gene therapy vector of claim 8, wherein the protein is ku70.
- 10. (Original) The gene therapy vector of claim 9, wherein the second polynucleotide is complimentary to nucleotide sequence SEQ ID 6.
- 11. (Original) The gene therapy vector of claim 1, wherein the vector is a member selected from the group consisting of plasmids, phages, phagemids, viruses, and artificial chromosomes.
- 12. (Original) The gene therapy vector of claim 11, wherein the vector is a viral vector.
- 13. (Original) The gene therapy vector of claim 12, wherein the vector is a member selected from the group consisting of papovirus, lentivirus, adenovirus, vaccinia virus, adeno-associated virus, herpes virus, and retrovirus.

- 14. (Withdrawn) An adenoviral vector for performing cytolethal gene therapy comprising a polynucleotide having a first nucleotide sequence encoding a cdtB gene, a second nucleotide sequence encoding an antisense oligonucleotide that inhibits expression of ku70, and a heat shock promoter that is strictly inducible by heat and is positioned to promote expression of the first and second nucleotide sequences.
- 15. (Withdrawn) The adenoviral vector of claim 14, wherein the cdtB gene has nucleotide sequence SEQ ID 5.
- 16. (Withdrawn) The adenoviral vector of claim 14, wherein the second nucleotide sequence is complimentary to nucleotide sequence SEQ ID 6.
- 17. (Withdrawn) The adenoviral vector of claim 14, wherein the heat shock promoter has nucleotide sequence SEQ ID 7.
- 18. (Withdrawn) A method of conducting cytolethal gene therapy, comprising:
 providing a vector comprising a first polynucleotide encoding a gene for a
 B subunit of a cytolethal distending toxin, a second polynucleotide encoding an
 antisense oligonucleotide that inhibits expression of a sense oligonucleotide encoding a
 DNA repair protein, and a heat shock promoter operably linked to the first and second
 polynucleotides;

delivering the vector to a desired cell; and

elevating the temperature of the cell above normal body temperature such that the promoter transcribes the first and second polynucleotides.

- 19. (Withdrawn) The method of claim 18, wherein the heat shock promoter is a segment of a heat shock promoter that is strictly inducible by heat shock.
- 20. (Withdrawn) The method of claim 19, wherein the heat shock promoter has nucleotide sequence SEQ ID 7.
 - 21. (Withdrawn) The method of claim 20, wherein the gene is *E.coli* cdtB.
- 22. (Withdrawn) The method of clam 21, wherein the gene has nucleotide sequence SEQ ID 5.
 - 23. (Withdrawn) The method of clam 21, wherein the vector is a viral vector.
- 24. (Withdrawn) The method of claim 23, wherein the vector is a member selected from the group consisting of papovirus, lentivirus, adenovirus, vaccinia virus, adeno-associated virus, herpes virus, and retrovirus.
- 25. (Withdrawn) The method of claim 18, wherein delivering the vector comprises directly infusing the vector into a tissue comprising the cell.
 - 26. (Withdrawn) The method of claim 18, wherein the cell is a cancerous cell.
- 27. (Withdrawn) The method of claim 26, wherein the cancerous cell is contained within a solid tumor.

- 28. (Withdrawn) The method of claim 18, wherein elevating the temperature of the cell comprises elevating the temperature of the cell to a temperature between approximately 38 and 45° C.
- 29. (Withdrawn) The method of claim 28, wherein the elevated temperature is approximately 41°C.
- 30. (Withdrawn) The method of claim 30, further comprising maintaining the elevated temperature of the cell for between approximately 1 and 72 hours.
- 31. (Withdrawn) A method of conducting cytolethal gene therapy, in a tumor, comprising:

delivering to said tumor a polynucleotide encoding a cdtB gene, an antisense oligonucleotide that inhibits expression of ku70, and a heat shock promoter that is strictly inducible by heat and is positioned to promote expression of the cdt $\underline{B}\beta$ gene and the antisense oligonucleotide; and

elevating the temperature of said tumor.

32. (New) A gene therapy vector, comprising:

a first polynucleotide encoding a gene for a B subunit of a cytolethal distending toxin, wherein the gene is *E. coli* cdtB;

a second polynucleotide encoding an antisense oligonucleotide that inhibits expression of a sense oligonucleotide encoding a DNA repair protein; and

wherein the first and second polynucleotides are operably linked to an inducible promoter.